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09/874514
06/05/01

BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Express Mail No.: EL603009699US
Date Filed: June 5, 2001

Attorney Docket No.:
2003080-0082 (SK-744-US/CON3)

UTILITY PATENT APPLICATION TRANSMITTAL

(FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 C.F.R. § 1.53(B))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s): Samuel J. DANISHEFSKY, Peter BERTINATO, Dai-Shi SU, Dongfang MENG, Ting-Chao CHOU, Ted KAMENECKA, Erik J. SORESENSEN, Aaron BALOG, and Kenneth A. SAVIN

Title: *Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof*

A) APPLICATION ELEMENTS:

1) X **Fee Transmittal Form** (original and duplicate submitted for fee processing)

2) X **Specification**

TOTAL PAGES: 112

- Descriptive Title of the Invention
- Cross References to Related Applications (if applicable)
- Statement Regarding Federally Sponsored R & D (if applicable)
- Reference to Microfiche Appendix (if applicable)

- Background of the Invention
- (Specification continued)**
- Summary of the Invention
- Description of the Drawing (if filed)
- Detailed Description of the Invention
- Claim(s)
- Abstract of the Invention

3) ☒ **Drawing(s)** (35 U.S.C. § 113) TOTAL SHEETS: 59 (original)
 (both originally filed and formal drawings are submitted herewith) 76 (formal)

4) ☒ **Oath or Declaration** TOTAL PAGES: 10

- a) ☐ Newly Executed (original or copy)
- b) ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
 - i) ☐ DELETION OF INVENTOR(S): Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
- c) ☐ Unexecuted

5) ☐ **Microfiche Computer Program** (Appendix) (if applicable)

6) ☐ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)

- a) ☐ Computer Readable Copy
- b) ☐ Paper Copy (identical to computer copy)
- c) ☐ Statement verifying identity of above copies

B) ACCOMPANYING APPLICATION PARTS:

- 7) ☒ **Assignment Papers** (as filed in parent application; with cover sheet & document(s)); (2 sets: Reel/Frame: 9008/0728, Reel/Frame: 9234/0239) (12 pages)
- 8) ☐ **37 C.F.R. § 3.73(b) Statement**
- 9) ☒ **Power of Attorney** (combined with declaration provided) and copy of the **Notice Regarding Power of Attorney** (1 page)
- 10) ☐ **English Translation Document** (if applicable)

- 11) X **Information Disclosure Statement (IDS)/PTO-1449 and Statement Filed Pursuant to the Duty of Disclosure.** (6 pages total)
- 12) **Copies of IDS Citations** (not checked, because documents provided in 08/986,025 (now Patent No. 6,242,469)) and in 6,204,388.
- 13) X **Preliminary Amendment** (4 pages and 6 pages of Paragraph and Section Replacements for Preliminary Amendment)
- 14) X **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 15) X **Small Entity Statement(s)** (2 pages)
- a) Newly executed
- b) X Statement filed in prior application; status still desired and proper (37 C.F.R. § 1.28)
- c) Unexecuted Small Entity Statement
- 16) **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 17) **OTHER:**

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

X CONTINUATION DIVISIONAL CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: 08/986,025 (NOW U.S. PATENT NO. 6,242,469 ISSUED
JUNE 5, 2001

FILED: DECEMBER 3, 1997

EXAMINER: T. SOLOLA

GROUP/ART UNIT: 1626

FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: The entire disclosure of the prior application, from which an oath or declaration is supplied as detailed above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

[illegible]

24280

1. The first group of people who are not in the labor force are those who are not in the labor force because they are not in the labor force.

00000000000000000000000000000000

X Correspondence Address:

Please charge the Deposit Account No. 03-1721 for any additional fees to cover the basic filing fee and claim fees for small entity status. Additionally, please credit any refunds to our Deposit Account No. 03-1721.

Respectfully Submitted,

Kindred M. Butler

Karoline K. M. Shair, Ph.D.

Reg. No.: 44,332

JOINT

**APPLICATION
FOR
UNITED STATES LETTER PATENT**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

BE IT KNOWN, that We, **Samuel J. Danishefsky, Peter Bertinato, Dai-Shi Su, Dongfang Meng, Ting-Chao Chou, Ted Kamenecka, Erik J. Sorensen, Aaron Balog and Kenneth A. Savin** have invented certain new and useful improvements in **Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof** of which the following is a specification

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 2,770.00)

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | |
| Filing Date | June 5, 2001 |
| First Named Inventor | Danishefsky, et al |
| Examiner Name | T. Solala |
| Group Art Unit | 1626 |
| Attorney Docket No. | 2003080-0082 |

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1721Deposit Account Name Choate, Hall & Stewart☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code Fee Code Fee Description

| Fee Code | Fee Code | Fee Description | Fee Paid |
|----------|----------|-----------------|----------|
| 101 | 710 | 201 | 355 |
| 106 | 320 | 206 | 160 |
| 107 | 490 | 207 | 245 |
| 108 | 710 | 208 | 355 |
| 114 | 150 | 214 | 75 |

SUBTOTAL (1) (\$355.00)**2. EXTRA CLAIM FEES**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 195 | -20** = 75 | 9.00 | 1575.00 |
| 24 | -3** = 21 | 40.00 | 840.00 |
| | | | 2415.00 |

Large Entity Small Entity

Fee Code Fee Code Fee Description

| Fee Code | Fee Code | Fee Description |
|----------|----------|-----------------|
| 103 | 18 | 203 |
| 102 | 80 | 202 |
| 104 | 270 | 204 |
| 109 | 80 | 209 |
| 110 | 18 | 210 |

SUBTOTAL (2) (\$2415.00)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code | Small Entity Fee Code | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------|----------|
| 105 | 130 | 205 | 65 |
| 127 | 50 | 227 | 25 |
| 139 | 130 | 139 | 130 |
| 147 | 2,520 | 147 | 2,520 |
| 112 | 920* | 112 | 920* |
| 113 | 1,840* | 113 | 1,840* |
| 115 | 110 | 215 | 55 |
| 116 | 390 | 216 | 195 |
| 117 | 890 | 217 | 445 |
| 118 | 1,390 | 218 | 695 |
| 128 | 1,890 | 228 | 945 |
| 119 | 310 | 219 | 155 |
| 120 | 310 | 220 | 155 |
| 121 | 270 | 221 | 135 |
| 138 | 1,510 | 138 | 1,510 |
| 140 | 110 | 240 | 55 |
| 141 | 1,240 | 241 | 620 |
| 142 | 1,240 | 242 | 620 |
| 143 | 440 | 243 | 220 |
| 144 | 600 | 244 | 300 |
| 122 | 130 | 122 | 130 |
| 123 | 50 | 123 | 50 |
| 126 | 180 | 126 | 180 |
| 581 | 40 | 581 | 40 |
| 146 | 710 | 246 | 355 |
| 149 | 710 | 249 | 355 |
| 179 | 710 | 279 | 355 |
| 169 | 900 | 169 | 900 |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**Name (Print/Type) Karoline K. M. ShairRegistration No. 44,332
(Attorney/Agent)**Complete (if applicable)**Telephone 17-248-5000**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

The estimated time to complete this form is 20 minutes. The actual time will vary depending on the complexity of the information provided. The amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.